

UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND

UNITED STATES OF AMERICA

v.

JUAN FUNES

Criminal Case No. 11-80 WES

GOVERNMENT'S OPPOSITION TO MOTION TO CONTINUE

For the sentencing phase of the violation proceedings, Defendant seeks a continuance until mid-October. This delay is too long, without justification, and possibly counterproductive.

Defendant's initial appearance on the violation was over a month ago. On August 27, 2018, Defendant admitted to all of the violations, but was later found to have been legally intoxicated during those proceedings. On September 4, 2018, after being held for a short time free from access to alcohol, Defendant admitted anew to all of the violations and, through counsel, sought a short time to submit for consideration in sentencing an evaluation and treatment plan by a private provider. Defendant now seeks a month of additional time without explanation as to why the material earlier promised in short order can now only be delivered in slow order.

Continued delay in the sentencing process sets Defendant up for failure. Undersigned counsel is advised by Defendant's probation officer, Timothy Donahue, that Defendant's longest period of sobriety, as documented by breathalyzer testing, has been three months. If the requested continuance is granted, by the time the District Court reviews and opines on the Magistrate Court's recommendation, over three months will have passed from September 4.

Undersigned counsel is also advised by Mr. Donahue that he has yet to hear from the private treatment provider as to Defendant's status and progress, even though Defendant has been asked to have the provider contact Mr. Donahue.

The Government suggests that absent provision to the Court of an initial

evaluation report and firm timetable for plan formulation, all executed by the private treatment provider, that a continuance not be contemplated.

Respectfully submitted,

UNITED STATES OF AMERICA  
By its Attorney,

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CERTIFICATE OF SERVICE

On this day, Tuesday, September 18, 2018, the above opposition was filed using the Court's electronic filing system and thereby Defendant's counsel was provided notice of the filing and access to an electronic copy of the filing.

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